

E

373

.M17



Class E 373

Book M 17



SPEECH

OF

MR. MACON,

ON THE

RESTRICTION OF SLAVERY IN MISSOURI.

DELIVERED IN THE SENATE OF THE UNITED STATES,
JANUARY 20, 1820.

Mr. MACON, of North-Carolina, said, he agreed in opinion with the gentlemen who had declared this to be the greatest question ever debated in the Senate, and that it ought to be discussed in the most calm and cool manner ; without attempting to excite passion or prejudice. It was, however, to be regretted, that, while some of those who supported the motion were quite calm and cool, they used a good many hard words, which had no tendency to continue the good humour they recommended. He would endeavor to follow their advice, but must be pardoned for not following their example, in the use of hard words: if, however, one should escape him, it would be contrary to his intention, and an act of indiscretion, not of design or premeditation ; he hoped to examine the subject with great meekness and humility.

The debate had brought forcibly to his recollection the anxiety of the best patriots of the nation, when the present constitution was examined by the state conventions which adopted it. The public mind was then greatly excited, and men in whom the people properly placed the utmost confidence, were divided. There was then no whisper about disunion : every one considered the Union as absolutely necessary for the good of all. But, to-day we have been told, by the honorable

gentleman from Pennsylvania, (Mr. Lowrie) that he would prefer disunion, rather than slaves should be carried west of the Mississippi. Age, Mr. M. said, may have rendered him timid, or education may have prevailed on him to attach greater blessings to the Union and the Constitution than they deserve. If this be the case, and it be an error, it was one he had no desire to be free from, even after what he had heard in this debate. Get clear of this Union and this constitution, and it will be found vastly more difficult to unite again and form another, than it was to form this. There were no parties in the country at the time it was formed ; not even upon this question. The men who carried the nation through the revolution were alive, and members of the convention ; Washington was at their head. Have we a Washington now ? No. Is there one in the nation to fill his place ? No. His like, if ever, has been rarely seen ; nor can we, rationally, expect another in our day. Let us not speak of disunion as an easy thing. If ever it shall, unfortunately, come, it will bring evils enough for the best men to encounter ; and all good men, in every nation, lovers of freedom, will lament it. This constitution is now as much an experiment as it was in the year 1789. It went into operation about the time the French revolution commenced. The wars which grew out of that, and the difficulties and perplexities which we had to encounter, in consequence of the improper acts of beligerents, kept the people constantly attached to the government. It has stood well the trial of trouble and of war, and answered, in those times, the purposes for which it was formed and adopted : but now is to be tried, in time of universal peace, whether a government, within a government, can sustain itself and preserve the liberty of the citizen. When we are told disunion, rather than slaves be carried over the Mississippi, it ought not to be forgotten that the union of the people and the confederation carried us through the Revolutionary War ; a war, of which no man can wish to see the like again in this country ; but, as soon as peace came, it was found to be entirely unfit for it ; so unfit, that it was given up for the present constitution. Destroy it, and what may be the condition of the country, no man, not the most sagacious, can even imagine. It will surely be much worse than it was before it was adopted, and that must be well remembered.

The amendment is calculated to produce geographical parties ; or why admonish us to discuss it with moderation and good temper. No man who has witnessed the effect of parties nearly geographical, can wish to see

them revived. Their acts formerly produced uneasiness, to say the least of them, to good men of every party. General Washington has warned us against them ; but he is now dead, and his advice may soon be forgotten ; form geographical parties, and it will be neglected. Instead of forming sectional parties, it would be more patriotic to do them away. But party and patriotism are not always the same. Town meetings and resolutions to inflame one part of the nation against another, can never benefit the people, though they may gratify an individual. A majority of them want things right. Leave them to form their own opinions, without the aid of inflammatory speeches at town meetings, and they will always form them correctly. What interest or motive can the good people of one part of the country have, for meeting and endeavoring to irritate those of another ? No town meeting was necessary to inform or inflame the public mind against the law giving members of Congress a salary instead of a daily allowance. The people formed their own opinions, disapproved it, and it was repealed. So they will always act, if left to themselves. Let not parties, formed at home for state purposes, be brought into Congress, to disturb and distract the Union. The general government hitherto has been productive enough of them, to satisfy those who most delight in them, that they are not likely to be long wanted in it. Enough and more than enough, has been produced, by the difficulty of deciding what is, and what is not, within the limits of the constitution. And, at this moment, we have difficulties enough to scuffle with, without adding the present question. The dispute between the Bank of the United States, and those of the States ; the want of money by the government ; the people not in a condition to increase the taxes, because more indebted at home than they ever were ; and the dispute with Spain ; might serve for this session. But the beginners of these town meetings may be like the beginners of the addresses of old—want office. If this should be the case, the government is too poor to gratify them. It is more easy to inflame the public mind, than to quiet it when inflamed. A child may set the woods on fire, but it requires great exertions to extinguish it. This now very great question, was but a spark at the last session.

All the states now have equal rights, and all are content. Deprive one of the least right which it now enjoys in common with the others, and it will no longer be content. So, if Government had an unlimited power to pass whatever conditions it pleased on the admission of a new state into the Union, a state admitted with a condi-

tion unknown to the others, would not be content, no matter what might be the character of the condition, even though it was not to steal or commit murder. The difference in the terms of admission would not be acceptable. All the new states have the same rights that the old have ; and why make Missouri an exception ? She has not done a single act to deserve it ; and why depart, in her case, from the great American principle, that the people can govern themselves ? No reason has been assigned for the attempt at the departure, nor can one be assigned, which would not apply as strong to Louisiana. In every free country that ever existed, the first violations of the principles of the government were indirect, and not well understood, or supported with great zeal, by a part of the people.

All the country west of the Mississippi was acquired by the same treaty, and on the same terms, and the people in every part have the same rights ; but, if the amendment be adopted, Missouri will not have the same rights which Louisiana now enjoys. She has been admitted into the Union as a full sister, but her twin sister Missouri, under the proposed amendment, is to be admitted as a sister of the half-blood, or rather as a step-daughter, under an unjust step-mother : for what ? Because she, as well as Louisiana, performed well her part during the late war ; and because she has never given the General Government any trouble. The operation of the amendment is unjust, as it relates to the people who have moved there from the other states. They carried with them the property which was common in the states they left, secured to them by the Constitution and laws of the United States, as well as by the treaty. There they purchased public lands and settled with their slaves, without a single objection to their owning and carrying them ; but now, unfortunately for them, it is discovered that they ought not to have been permitted to have carried a single one. What a pity it is, the discovery had not been made before they sold their land in the old states and moved. They must now sell their land and move again, or sell their slaves which they have raised, or have them taken from them, and this after they have been at the trouble and expense of building houses and clearing plantations in the new country ; not, it seems, for themselves and children, but for those who are considered a better people. The country was bought with the money of all, slaveholders as well as those who are not so ; and every one knew, when he bought land and moved with his property, he had a perfect right to do so. And no one, till last session, ever said to the contrary, or moved the re-

striction about slaves. The object, now avowed, is to pen up the slaves and their owners, and not permit them to cross the Mississippi, to better their condition, where there is room enough for all, and good range for man and beast. And man is as much improved by moving and range, as the beast of the field. But what is still more unaccountable, a part of the land granted to the soldiers for their services in the late war, was laid off in Missouri expressly for the soldiers who had enlisted in the Southern states, and would prefer living where they might have slaves. These, too, are now to leave the country of their choice, and the land obtained by fighting the battles of the nation. Is this just, in a government of law, supported only by opinion, for it is not pretended that it is a government of force? In the most alarming state of our affairs at home, and some of them have had an ugly appearance, public opinion alone has corrected and changed that which seemed to threaten disorder and ill-will, into order and good will, except once, when the military was called out, in 1791. Let this be compared to the case of individuals, and it will not be found to be more favorable to the amendment, than the real case just stated. A and B buy a tract of land large enough for both, and for their children, and settle it, build houses, and open plantations. When they have got in a good way to live comfortably, after ten or fifteen years, A thinks there is not too much for him and his children, and that they can, a long time hence, settle and cultivate the whole land. He then, the first time, tells B that he has some property he does not like, and that he must get clear of it, or move. B states the bargain. A answers, it is true, that he understood it so till of late; but, that move he must, or get clear of the property; for that property should not be in his way. The kind or quality of property cannot affect the question. Nay, if it was only a difference in the color of their cattle—one preferring red—the other pied. Would this be just? The answer must settle the question with all men who are free from prejudice.

A wise Legislature will always consider the character, condition, and feeling of those to be legislated for. In a government and people like ours, this is indispensable. The question now under debate demands this consideration. To a part of the United States, and that part which supports the amendment, it cannot be important, except as it is made so by the circumstances of the times. In all questions like the present, in the United States, the strong may yield without disgrace, even in their own opinion; the weak, cannot; hence, the propriety of not

attempting to impose this new condition on the people of Missouri. Their numbers are few, compared to those of the whole U. States. Let the U. States, then, abandon this new scheme; let their magnanimity and not their power be felt by the people of Missouri. The attempt to govern too much, has produced every civil war that ever has been, and will, probably, every one that ever may be.— All governments, no matter what their form, want more power and more authority, and all the governed want less government. Great Britain lost the United States by attempting to govern too much, and to introduce new principles of governing. The United States would not submit to the attempt, and earnestly endeavored to persuade Great Britain to abandon it, but in vain. The United States would not yield; and the result is known to the world. The battle is not to the strong, nor the race to the swift. What reason have we to expect that we can persuade Missouri to yield to our opinion, that did not apply as strongly to Great Britain? They are as near akin to us, as we were to Great Britain. They are “flesh of our flesh, and bone of our bone.” But as to kin, when they fall out, they do not make up sooner than other people. Great Britain attempted to govern us on a new principle, and we attempt to establish a new principle for the people of Missouri, on becoming a state. Great Britain attempted to lay a three-penny tax on the tea consumed in the then colonies, which were not represented in Parliament; and we to regulate what shall be property, when Missouri becomes a state, when she has no vote in Congress. The great English principle, of no tax without representation, was violated in one case, and the great American principle, that the people are able to govern themselves, will be, if the amendment be adopted. Every free nation has had some principle in their government, to which more importance was attached than to any other. The English was not to be taxed, without their consent given in Parliament; the American is to form their own state government, so that it be not inconsistent with that of the United States. If the power in Congress to pass the restriction was expressly delegated, and so clear, that no one could doubt it, in the present circumstances of the country, it would not be wise or prudent to do so; especially against the consent of those who live in the territory. Their content would be more important to the nation, than a restriction, which would not make one slave less, unless they might be starved in the old states.

Let me not be understood as wishing or intending to create any alarm as to the intentions of the people of Missou-

ri. I know nothing of them. But in examining the question we ought not to forget our own history, nor the character of those who settle on our frontiers. Your easy chimney-corner people, the timid and fearful, never move to them. They stay where there is no danger from an Indian, or any wild beast. They have no desire to engage the panther or the bear. It is the bravest of the brave, and the boldest of the bold, who venture there. They go, not to return.

The settling of Kentucky and Tennessee, during the war of the Revolution, proves, in the most satisfactory manner, what they can do, and will undergo, and that they will not return. The few people who first settled there, had to contend, without aid from the states, against all the Indians bordering on the U. States, except the Chickasaw and Choctaw nations, and maintained their stations. The Northern tribes, unaided by the Southern, attacked the United States, since the adoption of the constitution, defeated two armies, and it required a third to conquer them. The frontier people, in the revolutionary war, as well as in the late, astonished every body by their great exploits. Vermont, though claimed, during the Revolutionary war, by New Hampshire and New York, was not inferior to any of the states in her exertions to support independence. The gentlemen from Pennsylvania will pardon me for stating, that that state has had some experience of their government managing a few people, who would not yield obedience to their authority, though settled within their limits. They were obliged to compromise. I mean the Wyoming settlers. Again, since this government was in operation, a few people settled on the Indian lands: they were ordered to move from them, but did not obey. The military were sent to burn their cabins. The commanding officer told them his business, and very humanely advised them to move what property they had out of them. This they did, and their cabins were burnt. They waited till the troops marched, and very soon after built new cabins on the same places, and to the same backs where the old ones had been burnt. These facts are stated to show that a contest with a people who believe themselves right, and one with a government, are very different things. It would have been very gratifying to me to have been informed by some one of the gentlemen who support the amendment, what is intended to be done if it be adopted, and the people of Missouri will not yield, but go on and form a state government, (having the requisite number, agreeably to the ordinance,) as Tennessee did, and then apply for admission into the Union. Will she be admitted, as Tennessee was, on an equal footing with the

original states, or will the application be rejected, as the British government did the petitions of the old Congress? If you do not admit her, and she will not return to the territorial government, will you declare the people rebels, as Great Britain did us, and order them to be conquered, for contending for the same rights that every state in the Union now enjoys? Will you for this order the father to march against the son, and brother against brother? God forbid! It would be a terrible sight to behold these near relations plunging the bayonet into each other, for no other reason than because the people of Missouri wish to be on an equal footing with the people of Louisiana. When territories they were so. Those who remember the Revolution will not desire to see another civil war in our land. They know too well the wretched scenes it will produce. If you should declare them rebels, and conquer them, will that attach them to the Union? No one can expect this. Then do not attempt to do that for them which was never done for others, and which no state would consent for Congress to do for it. If the U. States are to make conquests, do not let the first be at home. Nothing is to be got by American conquering American. Nor ought we to forget that we are not legislating for ourselves, and that the American character is not yielding when rights are concerned.

We have been told, and told again, that the amendment will be an advantage to the people of Missouri; but they, like others, are willing to decide for themselves. We are also told that the people in the new states over the Ohio river are in favor of the restriction. Pass it, and half the industry and exertion which have been used to excite the present feeling in the United States, might excite those people very differently; they might be persuaded that it was done to prevent settling the country with inhabitants from the old states—to prevent their being able to elect the President west of the Mountains; and it is not impossible that the present great excitement of public opinion may have somewhat of election in it. The Senate was intended, by the long time for which its members are elected, to check every improper direction of the public mind. It is its duty to do so; and never was there a more proper occasion than the present. The character of the present excitement is such, that no man can foresee what consequences may grow out of it.

But why depart from the good old way, which has kept us in quiet, peace, and harmony—every one living under his own vine and fig tree, and none to make him afraid? Why leave the road of experience, which has sa-

tified all, and made all happy, to take this new way, of which we have no experience? The way leads to universal emancipation, of which we have no experience. The eastern and middle states furnish none. For years before they emancipated they had but few, and of these a part were sold to the south, before they emancipated. We have not more experience or book learning on this subject than the French Convention had which turned the slaves of St. Domingo loose. Nor can we foresee the consequences which may result from this motion, more than the Convention did their decree. A clause in the Declaration of Independence has been read, declaring "that all men are created equal:" follow that sentiment, and does it not lead to universal emancipation? If it will justify putting an end to slavery in Missouri, will it not justify it in the old states? Suppose the plan followed, and all the slaves turned loose, and the Union to continue, is it certain that the present constitution would last long? Because the rich would, in such circumstances, want titles and hereditary distinctions; the negro food and raiment, and they would be as much, or more degraded, than in their present condition. The rich might hire these wretched people, and with them attempt to change the government, by trampling on the rights of those who have only property enough to live comfortably.

Opinions have greatly changed in some of the states, in a few years. The time has been when those now called slave-holding states, were thought to be the firm and stedfast friends of the people and of liberty. Then they were opposing an administration and a majority in Congress, supported by a sedition law; then there was not a word heard, at least from one side, about those who actually did most towards changing the administration and the majority in Congress, and they were from slave-holding states. And now it would be curious to know how many members of Congress actually hold seats in consequence of their exertions at the time alluded to. Past services are always forgot when new principles are to be introduced.

It is a fact, that the people who move from the non-slave-holding to the slave-holding states, when they become slave-holders by purchase or marriage, expect more labor from them than those do who are brought up among them. To the gentleman from Rhode Island (Mr. Burrill) I tender my hearty thanks for his liberal and true statement of the treatment of slaves in the Southern states. His observations leave but little for me to add, which is this, that the slaves gained as much by independence as the free. The old ones are better taken care of

than any poor in the world, and treated with decent respect by all their white acquaintances. I sincerely wish that he and the gentleman from Pennsylvania, (Mr. Roberts,) would go home with me, or some other southern member, and witness the meeting between the slaves and the owner, and see the glad faces and the hearty shaking of hands. This is well described in Gen. Moultrie's History of the Revolutionary War in South Carolina; in which he gives the account of his reception by his slaves the first time he went home after he was exchanged. He was made prisoner at the surrender of Charleston: Could Mr. M. have procured the book in the city, he intended to have read it, to shew the attachment of the slave to his owner. A fact shall be stated. An excellent friend of mine—he too, like the other characters which have been mentioned in the debate, was a Virginian—had business in England, which made it necessary that he should go to that country himself, or send a trusty agent. He could not go conveniently, and sent one of his slaves, who remained there near a year. Upon his return, he was asked by his owner how he liked the country, and if he would have liked to stay there? He replied, that to oblige him he would have staid: the country was the finest country he ever saw; the land was worked as nice as a square in a garden: they had the finest horses, and carriages, and houses, and every thing; but that the *white servants* abused his country. What did they say? They said we owed them (the English) a heap of money, and would not pay. To which he added, their chief food was *mutton*: he saw very little *bacon* there.

The owner can make more free in conversation with his slave and be more easy in his company, than the rich man, where there is no slave, with the white hireling who drives his carriage. He has no expectation that the slave will, for that free and easy conversation, expect to call him fellow citizen, or act improperly.

Massachusetts, Pennsylvania and Virginia, have been often mentioned in the debate—and it has frequently been said, that the two first had emancipated their slaves; from which an inference seemed to be drawn, that the other might have done so: emancipation, to these gentlemen, seems to be quite an easy task. It is so where there are but very few: and would be more easy, if the color did not every where place the blacks in a degraded state. Where they enjoy the most freedom, they are there degraded. The respectable whites do not permit them to associate with them, or to be of their company when they have parties. But if it be so easy a task, how happens it that in Virginia, which before the revolution

endeavored to put an end to the African slave trade, has not attempted to emancipate? It will not be pretended, that the great men of other states were superior, or greater lovers of liberty, than her *Randolph*, the first President of the first Congress, her *Washington*, her *Henry*, her *Jefferson*, or her *Nelson*. None of these ever made the attempt—and their names ought to convince every one, that it is not an easy task in that state. And is it not wonderful, that, if the declaration of independence gave authority to emancipate, that the patriots who made it, never proposed any plan to carry it into execution? This motion, whatever may be pretended by its friends, must lead to it. And is it not equally wonderful that if the Constitution gives the authority, this is the first attempt ever made, under either, by the federal government, to exercise it? For if, under either, the power is given, it will apply as well to states as territories. If either intended to give it, is it not still more wonderful that it is not given in direct terms? The gentlemen then would not be put to the trouble of searching the confederation, the Constitution, and the laws, for a sentence or word to form a few doubts. If the words of the declaration of independence be taken as part of the Constitution, and that they are no part of it is as true as that they are no part of any other book—what will be the condition of the southern country when this shall be carried into execution? take the most favorable which can be supposed, that no convulsion ensue, that nothing like a massacre or a war of extermination take place, as in St. Domingo; but that the whites and blacks do not marry and produce mulatto states. Will not the whites be compelled to move and leave their land and houses, and leave the country to the blacks? and are you willing to have black members of Congress? But if the scenes of St. Domingo should be reacted, would not the tomahawk and scalping knife be mercy?

But, before the question be taken on the motion, I should be very much obliged to any one of the gentlemen from the non-slave-holding states, who would frankly state the condition of the blacks in the state he represents, especially their condition in the large cities; whether the whites and the blacks intermarry. If they do, whether the whites are not degraded by it—whether the blacks are in the learned professions of law and physic, and whether they are not degraded. If they be degraded, where there are so few, what will be the consequence when they are equal in number or nearly so to the whites? Every one will decide this for himself. It may be stated, without fear of contradiction, that there is no place for the

free blacks in the United States—no place where they are not degraded. If there was such a place, the society for colonizing them would not have been formed ; their benevolent design never known. A country wanting inhabitants, and a society formed to colonize a part of them, prove there is no place for them.

Some of the arguments used in the present debate convey to my mind the impression, that it was thought the owning of slaves enervated and enfeebled the owners. Let the history of the revolution and of the late war be examined, and nothing like it will be found. Facts enough might be stated to prove it was not so—two only will be mentioned. The battle of King's Mountain and that of N. Orleans. But on this subject, I will, with permission of the Senate, read a part of the speech of that celebrated master of the human character, (Mr. Burke) on his motion for reconciliation with the colonies, delivered in 1775; his language is this : " Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description ; because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is however a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case, in any part of the world, those who are free, are by far the most proud and jealous of their freedom." To this, I will not attempt to add a word. No man can add to Mr. Burke. Mr. M. said he intended to have read the part in which the character of New England is given ; it is equally honorable and equally true : but he was so much exhausted, he would omit it. The whole speech is well worthy of being read on this occasion.

Nor are the owners of slaves less moral or less religious than those who hold none. This fact might have been ascertained from the preachers of the Gospel who have travelled from the slave holding states to the non-slave holding to preach. And that they are not less fit for managing the great concerns of others may be ascertained by knowing who presides over the Bank of the United States. When its affairs fell into confusion, where did the Directors find a man to preside over it ? This is not mentioned to cast a shade on any one living, but to show that, in private concerns of the greatest importance, no regard has been paid to a man's being born and brought up in a state holding slaves—nor to convey any opinion as to the past transactions of that institution.

Permit me now to notice a few of the observations made in defence of this motion. The gentleman from Pennsylvania, (Mr. Roberts) told us, that nothing but necessity tolerated slavery in the United States. The constitution tolerates it; and that was not adopted from necessity, but through choice. If the necessity ever ceases, who is to decide when? Congress did not decide for Pennsylvania, or any other state: she decided for herself. Let Missouri do the same.

The gentleman from New Hampshire, (Mr. Morrill,) has said, that the Constitution was a compromise as to slaves. This, no doubt, is true; but not a compromise to emancipate. The states that held them could free them as others had done, without asking or consulting the Convention or Congress. But it was a compromise as to representation, and nothing else. He has also said, slavery was a curse, and has read a part of Mr. Jefferson's Notes on Virginia, to prove it. But what ought surely to be inferred from Mr. Jefferson's notes and life, is, that he thinks slavery a curse, but thinks it a greater curse to emancipate in his native Virginia. His democracy, like that of his great countrymen who have been before mentioned, appears to be of the white family. Both the gentlemen have stated that the slaves are represented. Are not the blacks every where represented? Emancipate them and they stay where they are; and two-fifths of their number will be added to the representation, tho' they are not permitted to enlist in our army.

The gentleman from Rhode Island, (Mr. Burrill,) seemed to think the question about slaves ought to be touched very delicately. He did touch it so. But there is no power in the General Government to touch it in any way. He observed that the people who had moved to Missouri from the old states, had no claim of any kind under the treaty. He will not, I am sure, on reflection, think that the people of any acquired territory can have more rights in the territory, than the good people of the old states, when they move to it. They carry with them their rights, as our forefathers brought theirs from England, when they first came to America.

It has often been stated, that the law establishing a territory in Louisiana, prohibited the carrying of slaves there, unless the owner moved with them. This provision in the law was made and intended to prevent the carrying Africans there—one of the states having opened her ports for the African slave trade about the time. But, with all the sins of holding slaves, we have not that of going to Africa for them. They have been brought to us by the citizens of the states which hold none. The only time, in

Congress, that I ever heard the slave trade defended, was by a member from the same state with the gentleman from Rhode Island, (Mr. Burrill.)

Why not leave the people of Missouri exactly as the other territories have been left, free to do as they please? A majority of them have moved from the states, and understand self government.

One word on the African slave trade. A bill was reported in the Senate to whip those who might be in any way engaged in it. The whipping was struck out, (not by the votes of those who represented slave states,) because a rich merchant might be convicted, and it would not do to whip a gentleman.

If the amendment be adopted, Missouri will have fewer rights as a state, than as a territory. This is new in the United States. And had not the wise King of Israel said, there is nothing new under the sun, this would be thought so. The vote of the Senate last year on this same question was sufficient to convince the people of Missouri that the Senate then thought they had the same rights with the other territories. But, all this attention to Missouri, reminds me of people who, when young, married to please themselves, but who, when old, were desirous to make matches for others.

Tired as he was, he would offer a few observations on the constitution and the treaty; both of which, as well as the laws, which surely cannot affect a right secured by either of the others, have been searched with uncommon industry, and every sentence or word which could possibly be supposed to have the least bearing on the subject has been read and scanned, as if this was a question of syntax, and as if the rights of people depended on detached sentences or words. Can it be thought that the Convention which framed the constitution would have given the power to emancipate in so indirect a way that it was never discovered till the last session, when they were so particular as even to prohibit an interference with the slave trade until 1808? The following words in the constitution are chiefly relied on for the authority: "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States." The fair and only meaning of these words is, that Congress may sell and manage their own property, but not the property of the people. The power over the territories is very different from that over the District of Columbia, where exclusive legislation is granted. "New states may be admitted by the Congress into this Union." Under these words, a power is claimed to declare what

shall be property in a new state. As well might a power be claimed to fix the age when people shall marry in the state. The ordinance so often referred to declares, that the new states shall be admitted on an equal footing with the original states. And so all the new states have been. It seems to be authority for every one but Missouri. The words were intended to take the place of an article in the confederation, which provided for the unconditional admission of Canada into the Union. They have no application to what was then called the north-western territory, because the states to be formed in that, were to come into the Union under the ordinance. What was intended for Canada has brought Louisiana into the Union. This clause has also been relied on—"The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." The importation may be taxed, but not the migration. If, as has been supposed, both applied to slaves, why not tax both? Migration was not intended for slaves brought into the United States by and. At the time the constitution was formed, it is probable that no attempt to do this had ever been made. The gentleman from Rhode Island (Mr. Burrill) has said, unless the amendment be adopted, that slaves will be carried from Santa Fee to Missouri. If so, they will be carried against law; and, if the law is not obeyed, they may be carried into Louisiana. *Importation* means property, *migration* does not. He would now turn to another clause, which ought to convince every one that the constitution intended that new states, holding slaves, might be admitted. It is in the following words: "Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." This, like the other clauses of the constitution which have been noticed, is so plain and clear that no argument can render it more so: "Which may be admitted," cannot be made to mean the states then in the Union.

The treaty is as plain as the constitution. The people are to be protected in their property; and slaves were property, both before and since its ratification. If the property in slaves be destroyed by indirect means, it is as much a violation of the treaty as if it was done directly.

Pass the amendment, and the property in them is indirectly destroyed; and yet it is the only property secured to the owner by the constitution. The power to touch the subject is claimed by a stretching implication. It is to be found in no part of the constitution or the treaty. It is stretching the constitution more than it ever was before: and it ought to be remembered, that, since the election of Mr. Jefferson to the Presidency, it has not been stretched without injuring the people. In giving a stretching construction to the constitution, we ought not to forget that the Holy Scripture, which contains nothing but peace and good will to man, was, by a stretching construction, made to cover the terrible inquisition and the wild crusades. And it would seem, from what we have heard, as dangerous to hold a slave, as to say to thy brother, *thou fool*, or *thou liar*.

It is to be regretted, that, notwithstanding the compromise made in the constitution about slaves, gentlemen had thought proper, at almost every session, to bring the subject before Congress, in some shape or other, and that they regularly, in their arguments, claim new power over them. What have the people of the southern states done, that such a strong desire should be manifested to pen them up? It cannot be because their representatives have uniformly opposed the African slave trade, or because they as uniformly opposed the impressment of American sailors by British officers; or because their banks are drained of specie to supply other places, and the revenue collected from them is not spent among them; or because they have been so tolerant in politics that when Mr. Jefferson came into office, their opponents, who had every office, were not turned out—a proof that they did not oppose them for their places of honor or profit; or because they have been willing to admit new states into the Union without regard to the number of people;—Ohio will remember, that the speeches of southern members were printed to induce her citizens to become a state—or because they have never requested Congress to tax others for their benefit; or because they have not abused the late pension law, but have at all times been obedient to the laws of the United States and of the states, never giving cause for uneasiness or alarm to the United States or the neighboring states, and, at all times which tried men's souls, have been found good and true; or because, in old times, they opposed the shutting of the Mississippi for 25 years.

If the decision be in favor of the amendment, it may ruin us and our children after us; if against it, no injury will result to any part of the United States. Let it be

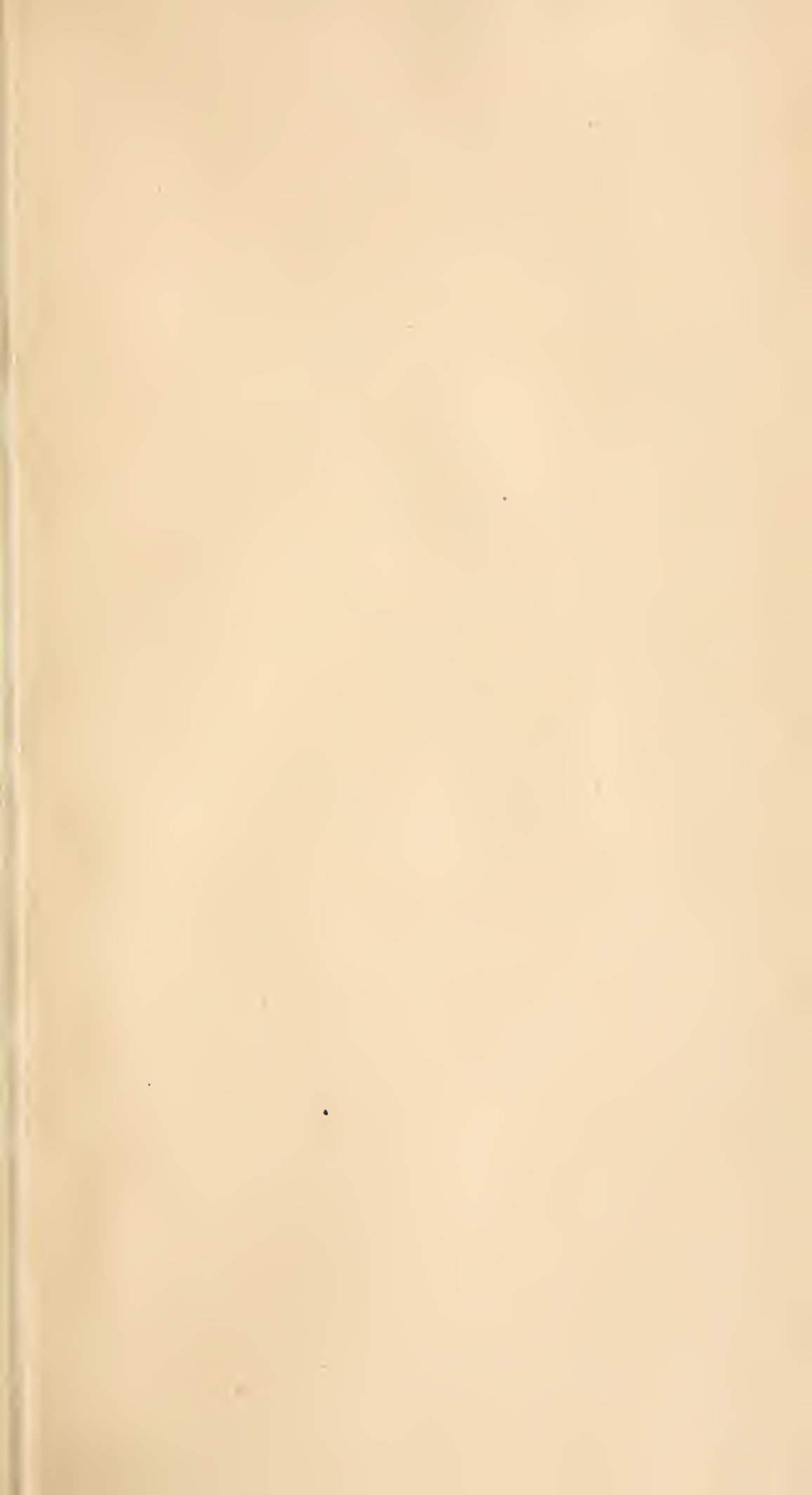
what it may, my prayer to God shall be, that it may benefit the nation and promote the happiness of the people, and that the Union of these states, and the constitution, may be as lasting as the Allegany.

The following is the part of the history by Gen. Moultrie, alluded to by Mr. Macon :

“ On my way from Gen. Marion’s to Gen. Green’s camp, my plantation was in the direct road, where I called, and staid a night. On my entering the place, as soon as the negroes discovered that I was of the party, there was immediately a general alarm, & an outcry, that ‘ Massa was come ! Massa was come ! ’ and they were running from every part, with great joy, to see me. I stood in the piazza to receive them : they gazed at me with astonishment, and every one came and took me by the hand, saying, ‘ God bless you, massa ! We glad to see you, massa ! ’ and every now and then some one or other would come out with a ‘ ky ! ’ and the old Africans joined in a war song, in their own language, of ‘ welcome the war home. ’ It was an affecting meeting between the slaves and the master : the tears stole down my eyes, and run down my cheeks. A number of gentlemen that were with me could not help being affected by the scene. Many are still alive, and remember the circumstance. I then possessed about two hundred slaves ; and not one of them left me during the war, although they had had great offers, nay, some were carried down to work on the British lines, yet they always contrived to make their escape and return home. My plantation I found to be a desolate place ; stock of every kind taken off ; the furniture carried away ; and my estate had been under sequestration.”

94

LPBJa'17



LIBRARY OF CONGRESS



0 011 899 328 7 ●